
Local Government Committee

HB 3163

Brief Description: Including special districts in growth management planning.

Sponsors: Representatives Simpson, Schindler, Chase and Upthegrove.

Brief Summary of Bill
<ul style="list-style-type: none">• Modifies Growth Management Act provisions to include numerous new requirements and references pertaining to special districts.• Defines "special district" as fire protection districts and water-sewer districts.

Hearing Date: 1/30/06

Staff: Ethan Moreno (786-7386).

Background:

I. Growth Management Act (GMA)

General Requirements

Enacted in 1990 and 1991, the GMA establishes a comprehensive land use planning framework for county and city governments in Washington. The GMA specifies numerous provisions for jurisdictions fully planning under the Act (planning jurisdictions) and establishes a reduced number of compliance requirements for all local governments.

Planning jurisdictions must adopt internally consistent comprehensive land use plans (comprehensive plans), which are generalized, coordinated land use policy statements of the governing body. Planning jurisdictions must also adopt development regulations that are consistent with and implement the comprehensive plan.

County-wide Planning Policies

The legislative authority of a county fully planning under the GMA (GMA county) must adopt a county-wide planning policy (CPP) in cooperation with the cities located wholly or partially within the county. A CPP is a written policy statement or statements used solely for establishing a county-wide framework from which county and city comprehensive plans are developed and adopted. The framework must ensure that city and county comprehensive plans are consistent, subject to statutory requirements.

A CPP must address certain planning and analysis provisions, including:

- policies to implement urban growth area requirements;
- policies that consider the need for affordable housing; and
- policies for county-wide economic development and employment.

The collaborative process providing for the adoption of CPPs must include county-convened meeting with representatives of cities located within the county. Failure to adopt a CPP in conformity with statutory requirements may result in the imposition of sanctions on a county or a city within the county by the Governor. Additionally, the cities and the Governor may appeal an adopted CPP to a Growth Management Hearings Board, the quasi-judicial boards charged with hearing and determining petitions alleging non-compliance with the GMA, within 60 days of the adoption of the policy.

Urban Growth Areas

The GMA includes numerous planning requirements relating to the use or development of land in urban and rural areas. Among other requirements, GMA counties must designate urban growth areas (UGAs) or areas within which urban growth must be encouraged and outside of which growth can occur only if it is not urban in nature. "Urban growth" is defined by the GMA, in part, as a reference to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for certain agricultural, mineral resource, and rural purposes.

The GMA specifies prioritization criteria for the location of urban growth, and indicates that, in general, cities are the units of local government most appropriate to provide urban governmental services. "Urban governmental services" are defined by the Act to include those public services and facilities at an intensity historically and typically provided in cities. Examples of these services include storm and sanitary sewer systems, domestic water systems, and other public utilities associated with urban areas and normally not associated with rural areas.

The GMA provides that, in general, it is inappropriate to extend or expand urban governmental services in rural areas, except in limited circumstances shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.

Identification of Lands Useful for Public Purposes

Planning jurisdictions must identify lands useful for public purposes such as utility corridors, sewage treatment facilities, storm water management facilities, and other public uses. These counties are additionally required by the Act to work with the state and the cities within their borders to identify areas of shared need for public facilities. The jurisdictions within each GMA county must prepare a prioritized list of lands necessary for the identified public uses and an estimated date by which the acquisition will be needed.

New Fully Contained Communities

A GMA county may authorize the siting of new fully contained communities located outside of initially designated UGAs if certain requirements are met. Examples of the criteria that must be satisfied, include:

- providing for new infrastructure and establishing impact fees;
- ensuring through development regulations that urban growth will not occur in adjacent nonurban areas; and

- having consistency between the plan for the new fully contained community and the development regulations established for the protection of critical areas by the county.

A county establishing a new fully contained community must also offset UGA population accommodations accordingly for allocations to new fully contained communities.

II. Fire Protection Districts

Fire protection districts are generally charged with providing fire prevention, suppression, and emergency medical services to protect life and property within jurisdictional boundaries.

III. Water-Sewer Districts

Water-sewer districts (districts) are authorized by statute to purchase, construct, maintain, and supply waterworks to furnish an ample supply of water to inhabitants within and outside of the district. Districts may also construct, condemn and purchase, add to, maintain, and operate systems of sewers to furnish the district, its inhabitants, and persons outside the district with an adequate system of sewers for all uses and purposes.

Summary of Bill:

The GMA is modified to include numerous new requirements and references pertaining to "special districts," a term defined in the bill to mean fire protection districts and water-sewer districts.

Urban Growth Areas

A provision indicating that cities are generally the units of local government most appropriate to provide urban governmental services is amended to state that cities and special districts are generally the most appropriate providers of these services.

Identification of Lands Useful for Public Purposes

The provision obligating GMA counties to work with the state and cities within their borders to identify areas of shared need for public facilities is expanded to require these counties to also work with special districts.

County-wide Planning Policies

The provision specifying that CPPs establish county-wide frameworks ensuring consistency between comprehensive plans of cities and counties is modified to specify that they establish consistency between comprehensive plans of cities, counties, and special districts. Counties adopting CPPs, in addition to consulting with cities located wholly or partially within the county, must also consult with special districts meeting this same criteria. Scheduled comprehensive revisions to CPPs by counties must comport with collaboration requirements pertaining to special districts. Comprehensive revisions must also include representatives from each special district within the county.

The collaborative process providing for the adoption of CPPs must include a county-convened meeting with representatives of cities and special districts located within the county. Failure to convene this meeting or, if necessary, to reach a mediated agreement on CPPs, may result in the imposition of sanctions on the county, applicable cities, or special purpose districts.

The authority provided to cities and the Governor allowing the appeal of an adopted CPP to a Growth Management Hearings Board, is extended to allow appeals to be made by special districts.

New Fully Contained Communities

The infrastructure criteria that must be met before a GMA county may authorize the siting of new fully contained communities are expanded to include a mandate obligating the provision of water systems, storm water systems, and sanitary sewer systems.

Definitions

In addition to establishing a definition of "special district" as provided above, modified definitions within the GMA are included.

- The definition of "public services" is expanded to include water supply and sanitary sewer service.
- The definition of "urban governmental services" or "urban services" is modified to specify that these services include public services and facilities at an intensity typically provided in cities or by special districts. The list of examples illustrating these services is amended to bifurcate "storm and sanitary sewer systems" into "storm water systems" and "sanitary sewer systems."

Appropriation: None.

Fiscal Note: Requested on January 30, 2006.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.